

Home Rule Charter City of Talkeetna, Alaska

Revised 10-25-2001

**HOME RULE CHARTER
CITY OF TALKEETNA, ALASKA**

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PREAMBLE

WE, THE PEOPLE OF THE CITY OF TALKEETNA, PURSUANT TO THE CONSTITUTION AND LAWS OF THE STATE OF ALASKA, AND IN ORDER TO ENSURE MAXIMUM LOCAL SELF-GOVERNMENT, DO HEREBY ADOPT THIS CHARTER AS OUR ORGANIC LAW.

ARTICLE I – GENERAL PROVISIONS

Section 1.1 City of Talkeetna

The community of Talkeetna, previously known by the Denaina people as K'dalkitnu (Food is Stored) is incorporated as a municipal corporation under the name: "City of Talkeetna".

Section 1.2 Type and Class

The government of the City shall be that commonly known and designated as the council-manager form and shall be subject to the laws providing for home rule city government as permitted under the Constitution of the State of Alaska.

Section 1.3 Boundaries

The boundaries of the City of Talkeetna shall be the same as those ratified upon incorporation and as those boundaries thereafter legally modified.

ARTICLE II – BILL OF RIGHTS

This charter guarantees rights to the people of Talkeetna that are in addition to the rights guaranteed by the Constitution of the United States of America and the Constitution of the State of Alaska. Among the rights guaranteed by this Charter are:

1. The right of initiative; the right of referendum; and the right to recall public officers, as herein provided.
2. The right of immunity from city sales taxes, except upon approval by a majority of qualified voters voting on the question.
3. The right of immunity from official actions of the City Council taken after twelve midnight and before seven o'clock a.m. actual time.
4. The right to a locally directed, ongoing planning process that is based upon the community's goals, objectives and policies for the future, except with respect to land use planning and regulation within the City until the Matanuska-Susitna Borough delegates such borough powers to the City.
5. The right to have a public record of the actions of the City Council.
6. The right to have all action of the council taken openly and the right to have deliberations of elected and appointed bodies of the City be conducted openly, except where executive sessions are permitted by Alaska Statute 44.62.310.
7. The rights of immunity from emergency ordinances, unless adopted by affirmative votes of all Council members present and voting, or three-fourths of the total membership.
8. The right to decide what is good for the people to know and what is not good for them to know is not granted to public servants, but is retained by the citizens of Talkeetna.

ARTICLE III – POWERS

Section 3.1 Powers

The City may exercise all legislative powers not prohibited by law or by this charter.

Section 3.2 Intergovernmental Relations

Agreements, including those for cooperative or joint administration of any function or power, may be made by the City Council with any local government, with the State, or with the United States unless otherwise provided by law.

Section 3.3 Cooperation with other Governments

The City may cooperate with the United States, with the State or its political subdivisions, or with other States and their political subdivisions on matters of common interest. For this purpose the City Council may make all necessary appropriations.

Section 3.4 Initiative and Referendum—General Authority

A. Initiative: The qualified voters of the City of Talkeetna shall have the power to propose any ordinance to the City Council, in accordance with the provisions of this Article of the Charter, unless prohibited by law. In the event the Council fails to adopt said proposed ordinance without material change in substantive provisions, the said proposed ordinance shall be submitted to the qualified voters at a City election for their acceptance or rejection.

B. Referendum: The qualified voters of the City of Talkeetna shall have the power by referendum to require repeal by the City Council of any ordinance not prohibited by law, and, if the City Council fails to repeal an ordinance so referred, to approve or reject it at a City election in accordance with the provisions of this Article of this charter; provided that such powers do not apply to ordinances establishing budgets, fixing mill levies, authorizing the issuance of bonds, or appropriating funds.

Section 3.5 Petitioners' Committee: Affidavit

Any three (3) qualified voters of the City may commence initiative or referendum proceeding by filing with the City Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and street addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the ordinance so initiated, or citing the ordinance sought to be referred. Promptly after the affidavit of the petitioners' committee is filed, the City Clerk shall verify that there are sufficient valid signatures on the affidavit and that the matter to be initiated or referred is one that may be the subject of an initiative or referendum. Upon verification, the City Clerk shall issue the appropriate petition blanks to the petitioners' committee.

Section 3.6 Petitions

A. Number of Signatures: Within 90 days of the date the petition is issued, initiative or referendum petitions must be signed by qualified voters of the City of

Talkeetna in number equal to at least fifteen (15) percent of the total number of voters voting at the last regular election.

B. Form and content: All pages of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink and shall be followed by the legibly printed name and the physical address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance initiated or sought to be referred. Each page of a petition shall contain the date the petition was issued and a notice that all signatures must be secured and the petition filed with the City Clerk within 90 days of the date the petition was issued.

C. Affidavit of Circulator: Each page of a petition shall have attached to it when filed, an affidavit executed by the circulator thereon stating that he or she personally circulated the petition, the number of signatures thereon, that all signatures were affixed in his or her presence, that he or she believes them to be the valid signatures of qualified petitioners, and that each signer had an opportunity before signing to read the full text of the ordinance initiated or sought to be referred.

Section 3.7 Procedure After Filing

Certificate of Clerk; Amendment: Within ten (10) days after a petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective, and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be supplemented with additional signatures obtained and filed before the 11th day after the date on which the petition is certified as insufficient. Such supplementary petition shall comply with the requirements of subsections (B) and (C) of Section 3.6, and within five (5) days after it is filed, the City Clerk shall complete a certificate as to the sufficiency of the petition as supplemented and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition is certified as insufficient, it shall be rejected and filed as a public record unless it is supplemented as provided in this Section. If a supplemented petition is recertified as insufficient, the supplemented petition shall be rejected and filed as a public record. The City Clerk shall promptly present his or her certificate of sufficiency or insufficiency to the City Council, and such certificate shall then be a final determination as to the sufficiency of the petition.

Section 3.8 Referendum Petitions; Suspension of Effect of an Ordinance

If a petition is certified as sufficient before the effective date of the ordinance to be referred, the ordinance shall be suspended pending the referendum vote. The suspension is lifted if the petitioners' committee withdraws the petition before the referendum election. If the qualified voters voting in the referendum election fail to repeal the ordinance referred, the suspension is lifted, and the referred ordinance becomes effective as of the date the election result is certified by the City Clerk.

Emergency ordinances shall continue in effect unless a majority of the entire City Council votes to suspend the ordinance pending an election.

Section 3.9 Action on Petitions

A. Action by City Council: When an initiative or referendum petition has been finally determined sufficient, the City Council shall either:

1. Adopt the ordinance as submitted by an initiative petition; or
2. Repeal the ordinance, or part thereof, referred by a referendum petition; or
3. Submit the initiated or referred ordinance to the qualified voters of the City; provided, however, that the City Council shall have power to change the detailed language of any initiated ordinance and to affix the title thereto, so long as the substantive provisions of such ordinance are not be materially altered.

B. Submission to Voters: The vote of the qualified voters on an initiated or referred ordinance shall be held not less than thirty (30) days and not more than ninety (90) days from the date of the final City Council action thereon. If no regular municipal election is to be held within the period prescribed in this subsection, the City Council shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election, except that the City Council may at its discretion provide for a special election at an earlier date within the prescribed period. Copies of the initiated or referred ordinance shall be made available to the public within a reasonable time before the election and also at the polls at the time of the election.

C. Withdrawal of Petitions: An initiative or referendum petition may be withdrawn at any time prior to the thirtieth (30th) day preceding the day scheduled for a vote of qualified voters by filing with the City Clerk a request for withdrawal signed by a majority of the petitioners' committee.

Section 3.10 Submission by City Council

The City Council on its own motion shall have the power to submit at a regular or special election any proposed ordinance or any question to a vote of the qualified voters.

Section 3.11 Results of Election

A. Initiative: If a majority of the qualified voters voting on an initiated ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one (1) receiving the greatest affirmative votes shall prevail to the extent of such conflict.

B. Referendum: If a majority of the qualified voters voting on a referred ordinance vote for repeal, it shall be considered repealed upon certification of the election results.

C. Amendment or Repeal: An ordinance initiated by petition and adopted by the voters may not be amended as to its substance or repealed by the City Council for a period of two (2) years after the date of the election at which it was adopted; provided, the City Council may amend such an ordinance to the same extent authorized under subsection 3.9A3 for pre-election amendments. An ordinance repealed by the voters or any other ordinance with substantially the same effect as the ordinance repealed may not be reenacted by the City Council for a period of two (2) years after the date of the election at which it was repealed; provided, however, that any ordinance may be adopted or amended, or repealed at any time by appropriate referendum or initiative procedure in accordance with the foregoing provisions of this Article, or if submitted to the voters by the City Council on its own motion.

ARTICLE IV -- THE CITY COUNCIL

Section 4.1 Power, Composition

A. The legislative power of the City of Talkeetna is vested in a City Council comprised of seven (7) members, one of whom is the Mayor elected at large by the qualified voters of the City of Talkeetna.

B. The City Council shall be the legislative and policy-making body of the City of Talkeetna and may exercise, except as otherwise provided by law or this Charter, all powers that it deems proper, including, but not limited to, the adoption of codes, budgets, ordinances and resolutions.

C. The City Council, as the legislative body of the City, shall ensure that the City administration is conducted in accordance with City policy as specified by the Council. The City Council shall hire, supervise and may dismiss the City Manager, City Attorney, City Treasurer, and City Clerk. The City Council shall approve, in advance, the issuance of all City contracts provided for by the City budget that exceed an amount established by ordinance.

Section 4.2 Term of Office

A. The terms of office for the Councilpersons shall be three (3) years. Two (2) Councilpersons shall be elected at each regular municipal election, except that three (3) Councilpersons, including the Mayor, shall be elected every third year. Newly elected Councilpersons shall assume office at the first meeting of the City Council following their election.

B. At any election for Mayor, a Councilperson whose term of office does not expire at such election may run for Mayor without resigning his or her seat. If such Councilperson is elected as Mayor, his or her Council seat shall be filled by the person with the next highest number of votes after all other Council seats have been filled. If the Councilperson who ran for Mayor is defeated in the mayoral election, he or she shall retain his or her seat for the remainder of his or her term of office.

Section 4.3 Qualifications and Nominations

A. A candidate for the office of the City Council shall be a qualified voter of Talkeetna and shall have been a resident of Talkeetna for at least one year preceding the election.

B. Except as otherwise provided by ordinance, no Councilperson shall be a salaried employee of the City of Talkeetna during his or her term of office.

C. Candidates for elected municipal offices shall be nominated by petition on forms supplied by the City Clerk. A petition of nomination must contain the signatures of at least ten (10) qualified voters residing within the City.

D. All candidates for the City Council, including the Mayor, shall run at large. There shall be no designated seats on the City Council except that of Mayor.

Section 4.4 Compensation

The compensation of City Council members shall be fixed by the Commission on Salaries

Section 4.5 Oath of Office

Before entering office, every Councilperson, shall take the oath required under Section 15.5 of this Charter.

Section 4.6 Regular Meetings

The City Council shall meet regularly at least once a month at a day and hour to be fixed by them. The Council shall determine rules of procedure and attendance.

Section 4.7 Special Meetings

Special meetings shall be called by the City Clerk on the written request of the City Manager, Mayor or any two (2) Councilpersons. At least twenty-four (24) hours' written notice must be given to each member, served personally or left at his or her usual place of residence or work. Reasonable public notice of the special meeting, including the matters to be considered, shall be given. No business shall be transacted at any special meeting unless it has been stated in the notice of such meeting.

Section 4.8 Emergency Meetings

Emergency meetings may be held without twenty-four (24) hours' notice when necessary for the immediate preservation of public property, health, peace, or safety. An emergency meeting shall be held only if a diligent, good-faith effort has been made to give actual notice to each Councilperson and five (5) Councilpersons are present and have waived notice thereof, in writing. All actions at emergency meetings shall require the affirmative vote of four (4) Councilpersons. Public notice of the meeting that is reasonable under the circumstances shall be given.

Section 4.9 Quorum; Adjournment of Meeting

Four (4) Councilpersons shall be a quorum for the transaction of business at all regular and special meetings, but in the absence of a quorum, a lesser number may adjourn any meeting to a later time or date, and in the absence of all Council members, the City Clerk may adjourn any meeting for not longer than one (1) week.

Section 4.10 City Council Actions

The City Council shall take official action only at public meeting by ordinance, resolution or motion. All legislative enactments shall be in the form of ordinances; all other actions, except as herein provided, may be in the form of ordinances, motions or resolutions.

Section 4.11 Voting

A vote by "yes" or "no" shall be taken on the passage of all ordinances, resolutions and actions and the vote of each Councilperson shall be entered upon the minutes of the City Council's proceedings unless otherwise specifically authorized by law.

Except as otherwise provided for in this Charter, every ordinance, resolution or motion shall require the affirmative vote of a majority of those Councilpersons present. Each Councilperson who is present shall vote on all questions unless prohibited by law. Any Councilperson refusing to vote, when required by this paragraph, shall be deemed delinquent in his or her duties and the non-voting member will be deemed to have voted with the majority.

Section 4.12 Action by Ordinance Required

In addition to such City Council acts that are required by other provisions of the Charter to be by ordinance, every action making an appropriation, creating an indebtedness, authorizing the borrowing of money, levying tax, establishing any rule or regulation for the violation of which a penalty is imposed, disposing of any real estate, placing any burden upon or limiting the use of private property, or any action approving any transfer of power from the City to another governmental entity, shall be by ordinance; provided, however, that this section shall not apply to the budget adoption procedure in Sections 11.6 and 11.7. Ordinances making appropriations shall be confined to the subject of appropriation.

Section 4.13 Form of Ordinance

Every ordinance shall be introduced in written or printed form. The enacting clause of all ordinances shall be: BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TALLEETNA. Except as otherwise provided in this Charter, each ordinance shall take effect immediately on publication pursuant to Section 4.14 E.

Section 4.14 Ordinance Procedure

Except for emergency ordinances, ordinances making general codification of existing ordinances, and ordinances adopting standard codes, the following procedure for enactment of ordinances shall be followed:

A. At any regular or special meeting, the proposed ordinance shall be introduced in writing by any Councilperson and read in full, or if copies thereof are available to the City Council and the public, it may be read by title only.

B. After the first reading of the ordinance, the same shall be referred to public hearing with or without amendment or rejected by a vote of the City Council.

C. If the ordinance is referred to public hearing, the City Council shall schedule such public hearing to be held not earlier than five (5) days after referral. Notice of public hearing shall be published and shall contain the date, time and location of the public hearing and a description of the subject matter of the proposed ordinance.

D. At the public hearing, the proposed ordinance shall be considered and read in full, or if copies thereof are available to the City Council and the public, it may be read by title only. The proposed ordinance may be amended before final approval by vote of the Council.

E. After final adoption of the ordinance, a public notice shall be published containing a brief description of the ordinance, its effective date, and penalty clause contained in said ordinance, and notice that copies are available for inspection.

Section 4.15 Emergency Ordinances

Emergency ordinances for the preservation of public property, health, peace or safety shall be approved by the affirmative vote of at least five (5)

Councilpersons. The facts showing such urgency and need shall be specifically stated in the measure itself. No ordinance making a grant of any special privilege, levying taxes, or fixing rates charged by any City-owned utility, shall ever be passed as an emergency measure. A prior public hearing as provided in Section 4.14 shall not be required. An emergency ordinance shall take effect immediately upon final passage and shall be published in full as soon thereafter as possible and no later than ten (10) days after passage.

Section 4.16 Codification

The City Council shall cause the ordinances of the City to be codified within three (3) years of the adoption of this Charter and thereafter maintained in current form. Revisions to the codes may be accomplished by reference as provided in Section 4.17.

Section 4.17 Codes

Standard codes promulgated by the Federal Government, the State of Alaska, or by any political subdivision or agency of the State of Alaska, or by recognized trade or professional organizations, or amendments or revisions thereof, may be adopted by reference by ordinance; provided, however, that public notice of the adoption of any such code shall advise that copies are available for inspection and provided, further, that any penalty clause in any standard code may be adopted only if set forth in full in the adopting ordinance. A copy of the code as adopted shall be certified and kept with the adopting ordinance as prescribed in Section 4.18.

Section 4.18 Disposition of Ordinances

A true copy of every ordinance shall be numbered and recorded in the official records of the City, and authenticated by the signature of the Mayor or Mayor Pro Tem, and the City Clerk.

ARTICLE V -- MAYOR

Section 5.1 Mayor Pro Tem

At each organizational meeting, the City Council shall elect from among its membership a Mayor Pro Tem who shall serve until the next organizational meeting of the City Council, or until removed from that position in accordance with this Charter. The Mayor Pro Tem shall retain all powers, rights and obligations as a Councilperson.

Section 5.2 Duties and Powers of Mayor

The Mayor shall be recognized as the ceremonial head of the City government. He or she shall act as the presiding officer of the City Council during all meetings and shall have the right and obligation to vote on all matters the same as other Councilpersons. The Mayor does not have veto power. The Mayor shall affix his or her signature to all ordinances and resolutions after passage. At least three (3) days before

any regular meeting of the City Council, the Mayor shall prepare and cause to be posted in a public place an agenda of items to be considered at those meetings.

Section 5.3 Duties and Powers of Mayor Pro Tem

In the absence or disability of the Mayor, as defined by the City Council, the Mayor Pro Tem shall perform all duties and have all powers of the Mayor.

Section 5.4 Vacancy of Mayor Pro Tem

The Mayor Pro Tem shall cease to hold that office if removed from that office by the affirmative vote of five (5) or more Councilpersons, but shall retain his or her Council seat. When a Mayor Pro Tem vacancy occurs the Council shall elect a replacement from among its membership at the next regular meeting.

ARTICLE VI -- CITY ADMINISTRATION

Section 6.1 City Manager

The City Manager shall be the chief administrative officer of the City. The City Council shall appoint a City Manager within a reasonable time whenever a vacancy exists. Such appointment shall be at the pleasure of the City Council without definite term, and shall be at the salary specified by the City budget. The Manager shall be appointed without regard to any consideration other than his or her fitness, competency, training, and experience as a manager.

Section 6.2 Acting Manager

Within thirty (30) days of a determination of absence or disability of the City Manager, the City Council shall appoint an acting City Manager to hold all powers and responsibilities of the City Manager position.

Section 6.3 Powers and Duties of City Manager

The Manager shall be responsible to the City Council for the proper administration of all City affairs placed in his or her charge, and to that end he or she shall have the power and duty and be required to:

- A. Enforce ordinances of the City;
- B. Except as provided in Sections 6.6, 6.7, 6.9 and 7.3 of this Charter, hire, promote suspend, transfer and remove City employees on the basis of ability, performance, training and experience of such employees in the work which they are to perform;
- C. Prepare a proposed annual budget and submit it to the Council for approval, and be responsible for the administration of the budget after its adoption by the City Council;
- D. Within a reasonable time after the end of each fiscal year, prepare and submit to the City Council a complete annual report of finances and administrative activities of the City for such fiscal year, and upon request of the City Council, make written or verbal reports at any time concerning the affairs of the City;

- E. Keep the City Council advised of the financial condition and future needs of the City, and make such recommendations to it as he or she may deem necessary or expedient;
- F. Exercise supervision and control over all executive and administrative departments, and recommend to the City Council any proposal he or she thinks advisable to establish, or to consolidate or abolish departments;
- G. Be responsible for the enforcement of all terms and conditions imposed in favor of the City in any contract or public utility franchise;
- H. Attend City Council meetings and participate in discussions with the City Council in an advisory capacity;
- I. Provide for engineering, architectural, maintenance, construction and other contractual services required by the City;
- J. When required by ordinance, serve in an ex-officio, non-voting capacity on specified Boards, Committees and Commissions of the City; and
- K. Perform such other duties as may be prescribed by the Charter or by ordinance, or required by the City Council that are not inconsistent with this Charter.
- L. At the first regular meeting of the City Council in January and in July of every year, the Manager shall deliver a report of the status of City affairs.

Section 6.4 Removal of City Manager

The City Council at a regular or special meeting may, with or without cause, remove the City Manager from office. Upon such removal the City Council may in its discretion provide termination pay. The Manager may request a hearing before the City Council concerning his or her dismissal. If a hearing is granted, the City Council does not need to offer or show any cause for the dismissal. At the conclusion of such hearing, the Council shall make a final determination to dismiss or reinstate the Manager.

Section 6.5 Relationships

Direction from the City Council to the City Manager and/or City Attorney shall be through the Mayor. All formal interaction between the City Council and administrative and service personnel shall be through the City Manager.

No member of the City Council nor any member of any City Board or Commission shall dictate the appointment of any person to office or employment by the City Manager, or in any other way interfere with any City officer or employee or prevent the City Manager from exercising his or her judgment in the appointment or employment of officers and employees, except as otherwise provided in this Charter.

Section 6.6 City Treasurer

There shall be a City Treasurer who shall be appointed by and served at the pleasure of the City Council. The City Treasurer may appoint a deputy to serve under his or her supervision provided such appointment shall be contingent upon the approval of the City Manager.

The City Treasurer shall keep and supervise all accounts, receive and have custody of all monies of the City; collect City taxes and special assessments, sewer, water, sanitation and other fees and charges; establish a system of accounting and auditing for the City which shall reflect, in accordance with generally accepted accounting principles, the financial condition and financial operation of the City; make public internal audits on any City department, and perform such other duties pertaining

to the department of finance as required by this Charter, the City Council, ordinance or the City Manager.

Section 6.7 City Clerk

The City Council shall appoint a City Clerk, who shall be custodian of the City seal and who shall keep a journal of City Council proceedings and record in full all ordinances, motions, and resolutions. The City Clerk shall have the power to administer oaths and take acknowledgments under seal of the City and shall perform such other duties as required by this Charter, the City Council, ordinance or the City Manager.

Section 6.8 Creation, Consolidation, and Merging of Departments

The administrative functions of the City shall be performed by the departments established by ordinance. The City Council may by ordinance create, consolidate, merge or abolish any City department or offices except City Attorney, City Clerk, and City Manager.

Section 6.9 City Attorney

The City Council shall appoint an attorney at law admitted to practice in Alaska as the City Attorney. The City Attorney shall be the legal representative of the City, and shall advise the City Council, the Manager, and City officials in matters relating to official powers and duties, and perform such other legal services as the City Council may prescribe or the Manager may request. The City Council shall establish compensation for the City Attorney and for any assistants or special counsel that the Council may deem necessary to serve under the direction of the City Attorney.

Section 6.10 Administrative Code

The City Council by ordinance shall adopt an administrative code providing for:

- A. The identity, function, and responsibility of each executive department and agency;
- B. Rules of practice and procedure governing administrative proceedings;
- C. Personnel policy and rules preserving the merit principle of employment.

Section 6.11 Boards and Commissions

- A. The City Council by ordinance may provide for advisory, regulatory, appellate or quasi-judicial boards or commissions. The ordinance shall prescribe the duties, terms and qualifications of members.
- B. The Mayor appoints the members of boards and commissions, unless otherwise specifically provided in this Charter. Appointments are subject to confirmation by the City Council.
- C. Boards and commissions may make recommendations to the City Council, the Mayor, and heads of executive departments on matters specified in the ordinance creating the board or commission.

D. The City Council by ordinance may create or designate itself to be a board of review, adjustment, or other quasi-judicial body. The ordinance shall prescribe the rules or procedure, including quorum and voting requirements.

Section 6.12 Commission on Salaries and Compensations

A. There is established a Commission on Salaries and Compensations of Elected Officials. The Commission is composed of five (5) members appointed for terms of four (4) years.

B. No member of the Commission shall be employed by the City during the term for which he or she is appointed, nor shall he or she hold elective City office during his or her term or within one (1) year thereafter.

C. The Commission shall establish the compensation, including salaries, benefits, and allowances, if any, of elected officials. A decision of the Commission takes effect at the beginning of the next fiscal year of the City. A decision by the Commission is subject to initiative and referendum in the same manner as an ordinance.

D. The Commission shall afford an opportunity for the public to be heard before rendering any decision that changes the compensation of an elected official. At least every two (2) years, but not more frequently than every year, the Commission shall review the compensation of elected officials. The Commission shall render its decision with respect to salaries not later than ninety (90) days before the end of the fiscal year of the City.

ARTICLE VII -- VACANCIES

Section 7.1 Determining Vacancies

A. Councilpersons shall continue to hold office until a successor is duly qualified. A City Council seat shall become vacant whenever any member is recalled, dies, becomes incapacitated, resigns, is convicted of a felony, fails to take office within thirty (30) days after election or appointment, fails to attend three (3) consecutive regular meetings of the City Council without being excused by the City Council, or ceases to be a resident of the City of Talkeetna.

B. Within fifteen (15) days after a vacancy occurs, the City Clerk shall publish a notice inviting applications for the position. Within thirty (30) days after a vacancy occurs, the remaining Councilpersons shall elect a qualified person to fill the vacancy until the next regular election.

C. When three (3) or more vacancies exist simultaneously, the remaining Councilpersons shall at their next regular meeting, and before conducting any other business, call a special election to be held within ninety (90) days to fill such vacancies, provided that there will not be a general municipal election within ninety (90) days of the occurrence of the third vacancy.

D. Persons elected to fill vacancies shall serve until the next regular election. If the term of the vacated Council seat(s) would normally have extended for another year past the regular election, the candidates elected shall be listed in order of the number of votes received, and the elected candidate(s) with the next highest number of votes after all other seats have been filled for which the terms of office have expired shall fill the vacated seats and shall serve for the duration of the unexpired term(s).

E. A vacancy in the office of Mayor shall be filled at a regular or special election held not less than ninety (90) days from the time the vacancy occurs. If less than

ninety (90) days remain in the term when the vacancy occurs, the vacancy shall not be filled. When a vacancy occurs in the office of Mayor, the Mayor Pro Tem shall serve as Acting Mayor until a successor is elected and takes office. The City Council by ordinance shall provide for further succession to the office of Acting Mayor.

Section 7.2 Resignations

Resignations of officers shall be made in writing and filed with the City Clerk, who shall immediately notify the proper officials concerned.

Section 7.3 Removal from Office

A. The City Council may remove the City Manager, the City Clerk, the City Treasurer, the City Attorney, and members of boards, commissions and committees, with or without cause and regardless of term of office. The person so removed from office may request a public hearing before the City Council concerning the removal. If a hearing is granted, the City Council does not need to show or offer any cause for the removal.

B. City employees shall be protected from arbitrary discharge by code provision.

Section 7.4 Recall

An elected officer may be recalled at any time after six (6) months in office. The vacancy thereby created shall be filled in the manner prescribed by law.

ARTICLE VIII -- SPECIAL ASSESSMENT AND LOCAL IMPROVEMENTS

Section 8.1 Determination of Necessity

The City Council may provide by ordinance for the determination of the necessity of and method of payment for local public improvements. Special assessments against the property benefited may be levied to pay for all or any part of a local public improvement subject to a majority vote of those residing within the area proposed for the improvement.

Section 8.2 Property Liable for Assessments

All real property, including tax exempt property, shall be liable for special assessments. Invalidity of this provision as to any class of property shall not affect its application to other classes of property.

Section 8.3 Assessment Lien

Assessments are liens on the property assessed and are prior and paramount to all liens except municipal tax liens. They may be enforced by the City, along with penalties, interest and costs, as provided in statute for the enforcement of municipal property tax liens.

Section 8.4 Special Assessment Bonds

The City Council may by ordinance authorize the issuance and sale of special assessment bonds to pay all or part of the cost of an improvement in a special assessment district. The principal of and interest on the bonds shall be payable solely from the levy of the special assessments against the property benefited or to be benefited. The City may establish and fund such guarantee funds as may be necessary to secure the bonds and may pledge the special assessment liens to secure payment of the principal of and interest on the bonds.

ARTICLE IX -- ELECTIONS

Section 9.1 Regular Elections

A regular election shall be held annually on the first Tuesday in October, unless otherwise specified by ordinance.

Section 9.2 Election Procedures

A. All City Council elections shall be nonpartisan. The City Council shall establish procedures for regular and special elections, including provisions for absentee voting. In case of ties the City Council shall determine the successful candidate by lot.

Section 9.3 Qualification of Voters

To vote in any City election, a person must be a resident of the City of Talkeetna and must be registered to vote in a State election at least thirty (30) days before the municipal election at an address within the boundaries of the City of Talkeetna and within any applicable local election district.

ARTICLE X -- PLANNING

Section 10.1 Comprehensive Land Use Plan

Pursuant to a delegation of authority from the Matanuska-Susitna Borough to the City, the City shall adopt and implement, and from time to time modify, a comprehensive land use plan setting forth goals, objectives, and policies governing the future development of the City of Talkeetna.

Section 10.2 Planning Commission

Pursuant to a delegation of authority from the Matanuska-Susitna Borough to the City, there shall be a Planning Commission constituted as provided by ordinance.

ARTICLE XI -- FINANCE

Section 11.1 Fiscal Year

The fiscal year of the City of Talkeetna shall be as established by the City

Council, unless otherwise provided by law. A change in fiscal year may not take effect until at least one year after enactment of the change.

Section 11.2 Six Year Program

At least ninety (90) days before the end of the fiscal year the Mayor shall submit to the City Council, with recommendations from the Planning Commission, a six-year program for public services, fiscal policies and capital improvements of the City. The program shall include estimates of the effect of capital improvement projects on maintenance, operation and personnel costs. The City Council shall hold at least one public hearing on the six-year program prior to adoption. In the absence of the authority to establish a Planning Commission, the City Council shall establish a Development Program Commission, which shall perform the review and recommendation functions of a Planning Commission under this section.

Section 11.3 Preparation and Submission of Budget

A. Five (5) months prior to the fiscal year end, the Manager shall give public notice of budget preparation for the next fiscal year. The Manager shall ask that all City departments, boards and commissions submit to him or her within thirty (30) days from the notice, any requests for funds under the budget being prepared.

B. At least ninety (90) days before the end of the fiscal year the Manager shall submit to the City Council a proposed operating and capital budget for the next fiscal year. The form and content of the budget shall be consistent with the proposed six-year program. The Manager shall submit with the budget an analysis of the fiscal implications of all tax levies and programs.

Section 11.4 Budget Content

The total proposed expenditures and provisions for contingencies shall not exceed the total of estimated revenue and other funds available for the fiscal year.

Section 11.5 Budget Hearing

The City Council shall hold at least two public hearings on the proposed operation and capital budget for the next fiscal year, including one hearing at least twenty-one (21) days after the budget is submitted to the City Council, and one hearing at least but not more than fourteen (14) days prior to the adoption of the budget.

Section 11.6 City Council Action on the Budget

The City may increase or decrease any item, and may add or delete items, in the proposed operation or capital budget. The City Council shall approve the budget as amended and appropriate the necessary funds at least twenty-one (21) days prior to the end of the fiscal year. If the City Council fails to approve the budget and make the necessary appropriation within the time stated, the budget proposal shall become the budget and appropriation for the fiscal year without further City Council action.

Section 11.7 Contingencies

The budget shall include an item for contingencies. Except in those cases

where there is no logical account to which an expenditure can be charged, expenditures shall not be charged directly to contingencies; but instead, the necessary part of the appropriation for contingencies shall be transferred to the logical account, and the expenditure charged to such account. No such transfer, appropriation or expenditure shall be made except by ordinance or resolution, and then only for expenditures which could not readily be foreseen at the time the budget was adopted.

Section 11.8 Budget Control

Unencumbered appropriation balances may be transferred within a department by the City Council at any time on its own initiative. The City Council may by resolution transfer unencumbered balances from one office, department, or agency to another.

There shall be submitted periodically to the City Council information comparing estimated and actual revenues and expenditures to the end of the preceding month.

Section 11.9 Public Records

Copies of the budget and the capital program as proposed or adopted shall be public records and shall be made available for inspection by the public.

Section 11.10 Amendments After Adoption

A. Supplemental Appropriations: If during the fiscal year, the Manager certifies that there are unrestricted revenues in excess of those estimated in the budget, the City Council by ordinance may make supplemental appropriations of up to 50% of the excess unrestricted revenue. At least 50% shall be appropriated to the Talkeetna Trust Fund.

B. Emergency Appropriations: To meet an emergency affecting public property, health, peace or safety, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with such provisions as provided for in this charter. To the extent that there are no available unappropriated revenues to meet such appropriation, the City Council may by emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals thereof shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

C. Reduction of Appropriation: If at any time during the fiscal year it appears probable to the Manager that the revenues available will be insufficient to meet the amount appropriated, he or she shall report to the City Council without delay, indicating the estimated amount of deficit, any remedial action already taken, and his or her recommendation as to any other steps to be taken. The City Council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce on (1) or more appropriations.

D. Limitation: Effective Date: No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriation and reduction or

transfer or appropriations authorized by the Section may be made effective immediately upon adoption.

Section 11.11 Independent Audit

An independent audit shall be made of all City accounts at least annually and more frequently if deemed necessary by the City Council. Such audit shall be made by certified public accountants selected by the City Council. The City Council shall select certified public accountants to perform such audit, which shall be completed within four (4) months of the close of the fiscal year. Copies of such audits shall be made available for public inspection.

Section 11.12 Contracts and Leases

The City Council by ordinance may authorize a contract, lease, or obligation requiring funds from future appropriations. A lease-purchase agreement with respect to acquisition of a capital improvement is not valid until approved by a majority of the qualified voters voting on the question.

Section 11.13 Talkeetna Trust Fund

- A. There is established the Talkeetna Trust Fund.
- B. If, during the fiscal year, the Manager certifies that there are revenues in excess of those estimated in the budget (to the extent that the revenues are unrestricted) at least 50% shall be appropriated to the Talkeetna Trust Fund.
- C. When a City owned utility is sold pursuant to Section 14.5 of this Charter, the proceeds shall be used to:
 - 1. retire the debt of the utility;
 - 2. retire other City debt deemed appropriate by the City Council;
 - 3. fund the Talkeetna Trust Fund with the balance of the proceeds.
- D. The City Council, by ordinance, may establish procedures for accepting other sources of revenue for the Talkeetna Trust Fund.
- E. The Trust Fund shall be managed by the City Treasurer with the following stipulations:
 - 1. The corpus, or a portion of the corpus, of this trust may only be used for purposes approved by a majority of the voters voting on a ballot proposition in a regular or special election;
 - 2. The earnings of the Trust Fund will be available for appropriation by the City Council only after the fund has been adjusted for average annual inflation.
- F. The fund shall be invested and managed in accordance with the City code.

ARTICLE XII -- TAXATION

Section 12.1 Powers

The City shall have all powers of taxation which home-rule cities may have under the state constitution.

Section 12.2 Assessment, Levy and Collection

The City Council by ordinance shall provide for the procedure for establishing the annual levy of taxes on property. There shall be no exemptions from property taxation except those expressly required by state or federal law and those approved by ordinance that are optionally available under state law. No City sales tax shall be levied or sales tax rate increased until such tax has been approved by a majority of the qualified voters voting at a regular or special election.

ARTICLE XIII -- BORROWING FOR CAPITAL IMPROVEMENTS

Section 13.1 Authority to Construct Capital Improvements

The City may construct, improve, extend, better, repair, reconstruct and acquire all types of capital improvements and facilities.

Section 13.2 Power to Incur Bonded Indebtedness

The City may incur bonded indebtedness authorized by ordinance and issue negotiable bonds for any and all of the purposes mentioned in Section 13.1 of this charter.

Section 13.3 Ratification of Bonded Indebtedness by Voters

No ordinance authorizing the issuance of general obligations bonds shall become effective unless the debt authorized by the ordinance has been approved by a majority of the qualified voters voting at an election on the proposition of issuing such bonds.

Section 13.4 Notice of Bond Election

Notice of bond elections shall be published at least once a week for four (4) consecutive calendar weeks on any day of the week, the first publication thereof to be not less than thirty (30) nor more than forty (40) days prior to the date fixed for the election.

Section 13.5 Obligation to Levy

The City Council shall provide for the annual levy of taxes that, with other available revenues, will be sufficient to pay the principal of and interest on general obligation bonds as the same become due and payable.

Section 13.6 Revenue Bonds

The City may borrow money and issue bonds or other evidences of indebtedness, the principal and interest of which are payable solely out of, and are secured by, the revenues of a revenue producing utility or enterprise. No ordinance authorizing the issuance of such bonds or other evidences of indebtedness shall become effective unless the debt authorized by the ordinance is approved by a majority of the qualified voters of the City voting on the question. Notice of the election shall be given in the manner provided in Section 13.4.

Section 13.7 Other Bonds

The City may, as authorized by ordinance, issue revenue anticipation notes or bonds, and other similar or different types of notes, bonds, or debt not prohibited by law.

XIV -- PUBLIC UTILITIES

Section 14.1 General Powers

The City shall have the power to acquire, own, operate, promote, and regulate City utilities within and beyond its corporate limits.

Section 14.2 Standards

All City utilities shall be operated in accordance with the general standards common to utilities providing the same utility service.

Section 14.3 Budget

Each utility shall have a separate budget within the annual City budget. The accounts of the utilities shall be separately kept and classified in accordance with uniform accounting standards prescribed for public utilities providing the same utility service.

Section 14.4 Rules and Procedures

The City Council shall prescribe rules and procedures for the operation and management of City utilities.

Section 14.5 Disposal of Utilities

The City may sell, lease, or otherwise dispose of a City utility only pursuant to an ordinance or initiative proposition approved by sixty (60) percent of the qualified voters voting on the question.

ARTICLE XV -- GENERAL PROVISIONS

Section 15.1 Equal Rights

The City Council shall enact ordinances against discrimination in housing, public accommodations, employment, education, and financing practices on the basis of race, religion, age, sex, color, national origin, marital status, or physical handicap.

Section 15.2 Prohibitions

A. Except where authorized by ordinance, an elected officer of the City may hold no other compensated office or employment or elected City position while in office.

B. For one year after he or she leaves office, a Councilperson, including the Mayor, may hold no compensated office or employment that was created, or the salary or benefits of which were specially increased by the City Council during his or her last year in office.

C. An independent contractor engaged through competitive bidding does not hold City employment or compensated office for purposes of this section.

Section 15.3 Public Meetings

A. All meetings of the City Council shall be public except where executive sessions are permitted by Alaska Statute 44.62.310. The City Council by ordinance shall adopt procedures for maximum reasonable public notice of all meetings. At each such meeting the public shall have reasonable opportunity to be heard. Meetings of the City Council and all City boards, commissions and committees of the City are subject to the Alaska Open Meetings Act, AS 44.62.310.

B. Except in emergency, the City Council and all boards and commissions may take no official action between the hours of midnight and 7:00 a.m., actual time. Action taken in violation of this paragraph is void.

Section 15.4 Public Records

A. All records of the City shall be open for inspection by any person at reasonable times, except where otherwise provided by State or Federal law. It is the policy of the City to disclose all records and to provide copies in an expeditious manner. Requests for disclosure shall be handled in a timely, reasonable, and responsive manner, without infringing on the rights of any person or other entity, and without impairing the functioning of the City.

B. All City records are disclosable to the public unless non-disclosures are authorized by a valid Alaska or federal statute or regulation, this Charter, or by privilege, exemption, or principle recognized by the Courts, or by an agency protective order authorized by law.

Section 15.5 Oaths of Office

City officers, before taking office, shall take and subscribe to the following oath or affirmation: I solemnly affirm that I will support and defend the Constitution of the United States, the Constitution of the State of Alaska, and the Charter and ordinances of the City of Talkeetna, and that I will faithfully perform the duties of _____ to the best of my ability.

Section 15.6 Continuation in Office

Each elected City officer shall continue to serve until his or her successor qualifies and takes office.

Section 15.7 Separability

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstances is invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

ARTICLE XVI -- CHARTER AMENDMENT

Section 16.1 Amendment of Charter

Proceedings to amend this charter may be commenced by the affirmative vote of at least five (5) City Council members or by an initiative petition. There shall be a mandatory review of the Charter ten (10) years after the incorporation of the City and every ten (10) years thereafter. The review process shall be established by the City Council by ordinance.

Section 16.2 Amendment of Charter Proposed by City Council Action

When an amendment is proposed by the City Council, it shall be submitted at an election to be held not less than sixty (60) days after its proposal by the Council.

Section 16.3 Amendment by Initiative Petition

An initiative petition for the amendment of this charter shall state the proposed amendment, shall set forth all sections of the charter to be amended in full, shall be signed by the number of qualified voters required for the initiation of ordinances, and shall be filed with the City Clerk. If the petition is legal and sufficient, the proposed amendment shall be submitted at the first regular election held more than thirty (30) days following the filing of the petition.

Section 16.4 Scope of Amendments

Each proposed amendment of this charter shall be confined to one subject, but need not be limited to a single section.

Section 16.5 Publication of Proposed Amendments

Each proposed amendment of this charter shall be published in a newspaper of general circulation in Talkeetna in full once each week for not less than four (4) consecutive weeks immediately preceding the week of the election of its ratification.

Section 16.6 Ratification and Effective Date

Upon certification of the election results each amendment ratified by the voters shall become part of this charter and shall be effective from the date of certification of the election or such later date as may be provided in the proposition for the amendment. Two (2) copies of each ratified amendment shall be filed in the office of the City Clerk, the lieutenant governor's office and with the Department of Community and Economic Development. In addition, one copy shall be submitted to the district recorder.

ARTICLE XVII -- TRANSITION

Section 17.1 Effective Date of Charter

This Charter shall become effective immediately upon certification of voter approval.

Section 17.2 Incorporation Election

The election for ratification of this Charter shall be held in accordance with Alaska Statutes 29.05.110.

Section 17.3 Initial Terms of Council Members

For purposes of the election of the initial City Council members, the two (2) candidates receiving the highest number of votes shall be elected for three (3) years. The two (2) candidates receiving the next highest number of votes shall be elected for two (2) years. The two (2) candidates receiving the next highest number of votes shall be elected for one (1) year. In the initial election, the Mayor shall be elected for three (3) years.

Section 17.4 Code of Ordinances

Not later than three months after the adoption of this Charter, the City Council shall enact a Code of Ordinances that shall include a conflict of interest ordinance that meets the requirements of AS 29.20.010. The provisions of AS 29.20.010 shall govern conflicts of interest until the required ordinance is adopted and becomes effective.

Section 17.5 Transition Plan

Other provisions concerning the transition shall be governed by the transition plan included with the petition to incorporate, as approved by the Local Boundary Commission.

Section 17.6 Conflict of Interest

The Council shall adopt a conflict of interest ordinance as required by AS 29.20.010.